THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.4641 of 2007

Date: 08.03.2007

Between:

Smt.Kalagani Laxmi Kaladevi represented by her GPA holder.

....Petitioner

and

Government of A.P. and another.

....Respondents

–
–
–
–
–
–
–
–
–

O R D E R:

The petitioner states that she is the owner and possessor of plot, admeasuring 174 sq.yards in Sy.No.15 situated at Chemalapally Village, Pendurthi Mandal, Visakhapatnam District, and that she executed a registered sale agreement –cum- General Power of Attorney in favour of the GPA holder empowering him to execute sale deeds in favour of third parties. Accordingly, the GPA holder intended to sell the property to third parties and approached the second respondent for registration of a document. His grievance is that the second respondent is not accepting the document for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said survey number. This writ petition is filed seeking appropriate directions to the respondents in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth***

Nahata [1]**.**

Once the sole basis for the second respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same in accordance with the provisions of the Stamp Act and the Registration Act.

Hence, the writ petition is disposed of, directing the second respondent to receive and process the document presented by the petitioner and take necessary steps in accordance with the provisions of the Stamp Act and the Registration Act, within one week from the date of receipt of a copy of this order. There shall be no order as to costs.

_____

08.03.2007

Note: issue c.c. in three days.

B/o

kdl

---

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77